

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

WILLIS FLOYD WILEY,
(TDCJ-CID #753383)

Plaintiff,

vs.

THE OVERTSTREET LAW FIRM, *et al.*,

Defendants.

§
§
§
§
§
§
§
§
§
§
§

CIVIL ACTION H-10-2873

MEMORANDUM AND OPINION

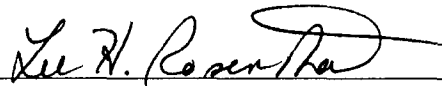
The plaintiff, Willis Floyd Wiley, is a state prisoner proceeding *pro se*. He sues 94 Texas prison officials who reside in Tyler County, Texas. (Docket Entry No. 1, pp. 4-5). He also sues a private entity, the Overstreet Law Firm, which is in Houston, Texas. The plaintiff alleges violations of his civil rights at the Lewis Unit of the Texas Department of Corrections. Wiley is incarcerated there. The Lewis Unit is in Tyler County, Texas. Wiley alleges that after his father was accidentally killed in 2008, prison officials at the Lewis Unit and an attorney from the Overstreet Law Firm interfered with his access to the insurance proceeds from his father's death. Wiley claims that prison officials have questioned his competency in order to deny him access to his inmate account.

Most of the defendants, events, and likely witnesses in this case are in Tyler County. In the interest of justice and for the convenience of the parties and witnesses, this case is transferred to the United States District Court for the Eastern District of Texas, Lufkin Division, where Tyler County is located. 28 U.S.C. §§ 1391, 1404(a).

The plaintiff's motion for the court to take judicial notice that he has paid the filing fee, (Docket Entry No. 4), is granted. The plaintiff's motion for emergency transfer, (Docket Entry No. 2), is denied.

The Clerk is directed to file the plaintiff's second civil rights complaint, (Docket Entry No. 5), as a new civil action.

SIGNED on November 9, 2010, at Houston, Texas.

A handwritten signature in black ink, reading "Lee H. Rosenthal", written over a horizontal line.

Lee H. Rosenthal
United States District Judge